

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

ORDER :
*This motion is
denied as moot.*
John Bryant,
USMJ

WILLIAM H. JOHNSON
Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,
Defendant.

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CIVIL NO. 2:12-00099
JUDGE NIXON
MAGISTRATE JUDGE BRYANT

MOTION FOR A STAY BECAUSE OF LAPSE OF APPROPRIATIONS

The Defendant hereby moves for a stay of all proceedings in the above-captioned case.

At the end of the day on September 30, 2013, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances. These include “emergencies involving the safety of human life or the protection of property,” 31 U.S.C. § 1342, or when Department attorneys have express legal authority to continue working such as by court order. If the Court denies this motion for a stay, the United States Attorney’s Office will comply with the Court’s order and staff the case appropriately to comply with the Court’s order.

Undersigned counsel for the Department of Justice therefore requests a stay of the entire case until Congress has restored appropriations to the Department.

If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that